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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,872	01/10/2002	Robert P. Micciche	460.2060USU	6287

7590 05/31/2005

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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/043,872	Applicant(s) MICCICHE ET AL.	
	Examiner Lorna M. Douyon	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 23-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 23-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This action is responsive to the amendment filed on March 3, 2005.
2. Claims 1-19, 23-43 are pending.
3. The rejection of claims 1-12, 15-17, 23-33, 35, 42 and 43 under 35 U.S.C. 102(b) as being anticipated by Rogers et al. (WO 98/44185), hereinafter "Rogers" is withdrawn in view of Applicants' amendment.
4. The rejection of claims 1-4, 8-12, 18-19, 23-25, 27, 30-33, 35 and 39 under 35 U.S.C. 102(e) as being anticipated by Deleo et al. (US Patent No. 6,340,663), hereinafter "Deleo" is withdrawn in view of Applicants' amendment.
5. The rejection of claims 5-7, 13-14, 17, 26, 42 and 43 under 35 U.S.C. 103(a) as being unpatentable over Deleo as applied to the above claims is withdrawn in view of Applicants' amendment.
6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 1-14, 17-19, 23-41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/30956, hereinafter "WO '956".

WO '956 teaches wet wipes for use in wiping surfaces in the home and in industry, in addition to their use on the human body such as for baby wipes, make-up removal and other skin care applications (see abstract). The wipe comprises a substrate which is coated or impregnated with a liquid composition, wherein the substrate may be woven or nonwoven and may be composed of natural or synthetic fibers (see page 7, last paragraph). The substrate can also have other components such as starch binders (see page 8, lines 13-25), and may comprise one or a multiplicity of layer and preferably one of the layers may be a scrim reinforcing layer (see page 9, lines 5-10). The substrate may be produced by any method known in the art such as air-laying, wet laying or hydroentangling (see page 8, line 29 to page 9, line 3). The substrate may be treated with treatment chemicals such as fluorinated materials like fluoropolymers (see page 12, line 27 to page 13, line 25). The wet wipes are stacked and then stored in a rigid dispensing container (see page 13, lines 27-32). Typically, the composition will comprise from 2 to 50% by weight of actives and from 50% to 98% water (see page 15, lines 18-21). The composition comprises silicone based oils, emulsifying agent such as a copolymer of C10-C30 alkyl acrylates and one or more monomers of acrylic acid or methacrylic acid, preservative like methylparaben, ethylenediamine-tetraacetic acid and salts, polyhydric alcohols such as propylene glycol, water soluble lanolin derivatives, water soluble surfactants or detergents, preferably nonionic or amphoteric, pH adjusters, perfumes and the like (see page 15, line 23 to page 17, line 14). In preparing wet wipe products the composition can be applied to the substrate by spraying or coating (see page 17, line 21 to page 18, line 2). The composition is typically applied in an amount from about 0.5 g to 10 g per gram of substrate (see page 18, lines 9-11). WO '956, however, fails to specifically disclose the pH of the composition.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the compositions of WO '956 to have a pH within those recited considering the similarities of ingredients used in the composition and the utility in wiping surfaces in the home and in industry.

8. Claims 1-19, 23, 30-32, 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tyerech et al. (US Patent No. 5,712,240), hereinafter "Tyerech".

Tyerech teaches aqueous carpet cleaning compositions which clean, as well as provide water and oil repellency to fibers and fiber substrates and comprise (a) between about 0.001% wt to about 3% wt fluoroaliphatic radical-containing poly(oxyalkylene) compound; (b) anionic surfactant; (c) organic solvent; (d) water; and optionally (e) preservatives, anti-soiling agents and resoiling inhibitors, pH adjusting agents, buffer compositions, further solvents or surfactants, as well as one or more further fluorosurfactant compositions (see col. 1, lines 5-7; col. 2, line 53 to col. 3, line 15; col. 6, lines 34-40). See also col. 15, lines 20-48. The organic solvent includes one or more alcohols, glycols and glycol ethers (see col. 8, lines 33-35), for example, ethylene glycol hexyl ether with isopropanol (see col. 9, line 7) in amounts from 0.001-8% wt (see col. 15, lines 36-38). The pH of the composition is maintained within the range of from 8 to 10 (see col. 9, lines 41-43). Examples of preservatives include parabens (see col. 10, lines 42+). The pH adjusting agents include certain acids and bases, organic acid and/or an inorganic salt form thereof, for example citric acid and alkali metal carbonates (see col. 11, lines 8-32). Bleaching agents known to the art, including hydrogen peroxide may be used in the inventive compositions (see col. 11, lines 33-38). Further fluorosurfactant composition includes perfluoropropionate or

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perfluoroalkyl phosphate (see col. 11, line 62+). An example of anti-resoiling compound is aliphatic quaternary ammonium salt (see col. 12, lines 54-66). The inclusion of fluorinated acrylic polymers improves the resoiling resistance of fibrous substrates treated with said composition (see col. 13, lines 3-38). Although the aqueous cleaning compositions are used for cleaning carpets, they may also be utilized in cleaning fabrics and textiles (see col. 15, line 49 to col. 16, line 9). The composition may be used by rubbing an area of the carpet to be treated with a device such as sponge, cloth, non-woven cloth and the like (see col. 16, lines 31-46). Tyerech, however, fails to disclose the aqueous cleaning composition loaded in a wipe in the recited loading ratio.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have loaded the cloth or non-woven cloth with the aqueous cleaning composition in its optimum proportion because Tyerech teaches that the carpet can be treated with the composition by rubbing with a cloth, and adding or impregnating the cloth with the aqueous cleaning composition during rubbing would have been obvious for effective soil removal.

9. Claims 24-29 and 33-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tyerech as applied to the above claims, and further in view of WO '956.

Tyerech teaches the features as described above. Tyerech, however, fails to disclose the specifics of the cloth or non-woven cloth as to its composition, and with a backing surface, and the method for producing the cleaning wipe as those recited.

WO '956 teaches a similar composition which is for use in wiping surfaces in the home and in industry (see abstract) wherein the wipe comprises a substrate which is coated or

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impregnated with a liquid composition, wherein the substrate may be woven or nonwoven and may be composed of natural or synthetic fibers (see page 7, last paragraph). The substrate can also have other components such as starch binders (see page 8, lines 13-25), and may comprise one or a multiplicity of layer and preferably one of the layers may be a scrim reinforcing layer (see page 9, lines 5-10). The substrate may be produced by any method known in the art such as air-laying, wet laying or hydroentangling (see page 8, line 29 to page 9, line 3). The wet wipes are stacked and then stored in a rigid dispensing container (see page 13, lines 27-32). In preparing wet wipe products the composition can be applied to the substrate by spraying or coating (see page 17, line 21 to page 18, line 2). The composition is typically applied in an amount from about 0.5 g to 10 g per gram of substrate (see page 18, lines 9-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare the cleaning composition of Tyerech in the form of a wipe prepared from a nonwoven synthetic fiber, which wipe is sprayed or coated with the composition and dispensed from a container because such containment for cleaning is known as shown by WO '956.

10. Claims 15-16 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO '956 as applied to the above claims, and further in view of Tyerech.

WO '956 teaches the features as described above. WO '956, however, fails to disclose adding bleaching agent like hydrogen peroxide and anionic fluorosurfactant into the composition.

Tyerech teaches the features as described above.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the hydrogen peroxide and anionic fluorosurfactant like perfluoroalkyl phosphate of Tyerech into the composition of WO '956 because such incorporation would provide better cleaning and soil repellency as taught by Tyerech.

Response to Arguments

11. Applicants' arguments filed March 3, 2005 have been fully considered but they are not persuasive.

With respect to the rejection based upon WO '956", Applicants argue that WO '956 fails to disclose or suggest a carpet and fabric cleaning wipe having a cleaning composition with a soil resist from the recited Markush group in an amount about 0.01 wt% to about 4 wt% of the total weight of the composition.

The Examiner respectfully disagrees with the above argument because on page 12, line 27 to page 13, line 25, WO '956 teaches that the chemicals like fluoropolymers may be added to the substrate as a component of the lotion, and like the silicone, the fluoropolymers may added to the substrate in the levels of at least 0.25 g per square meter of surface area.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. The references are considered cumulative to or less material than those discussed above.

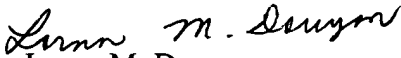
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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313.

The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lorna M. Douyon
Primary Examiner
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